



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)

JOSEPH WNEK,

Plaintiff(s),

**STIPULATION OF
VOLUNTARY DISMISSAL**

-Against-

A RUSSO WRECKING, *et al.*,

Defendant(s),

Civil Action No.: 06cv15142

IT IS HEREBY STIPULATED AND AGREED, by and between the parties that, pursuant to the Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned Plaintiff's action is voluntarily dismissed with prejudice pursuant to the following terms and conditions:
2. All claims by the above-captioned Plaintiff against all Defendant(s) or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery, and/or debris-removal operations and/or clean up at any location on and/or after September 11, 2001, are voluntarily dismissed with prejudice.
3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.
4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.
5. The dismissal is without costs.

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Attorney for WTC Captive Insureds

Dated: October 20, 2011

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By: _____
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Dated: October __, 2011

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Dated: October 20, 2011

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By: *Gary W. Harvey*
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Attorney for Survivors

Dated: October 20, 2011

SO ORDERED:
Alvin K. Hellerstein

ALVIN K. HELLERSTEIN, U.S.D.J.
10/25/11

PATTON BOGGS LLP

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